



Speech by

Jann Stuckey

MEMBER FOR CURRUMBIN

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TELECOMMUNICATIONS INTERCEPTION BILL

Mrs STUCKEY (Currumbin—LNP) (3.41 pm): Today I rise in the House to contribute to the debate on the Telecommunications Interception Bill 2009, which was reintroduced by the Premier, the Hon. Anna Bligh, the member for South Brisbane, on 22 April 2009. In the explanatory notes we learn that the bill addresses two objectives. It will enable the QPS and the Crime and Misconduct Commission to apply for telecommunications interception warrants under the Commonwealth Telecommunications (Interception and Access) Act 1979, otherwise known as the Commonwealth act, for the investigation of serious offences. Secondly, it will do so in a manner that provides a role for Queensland's Public Interest Monitor, or PIM, prior to and at hearings of applications for interception warrants to represent the public interest and test the validity of applications. This bill will achieve its objectives by providing for the recording, reporting and inspection regime required by the Commonwealth act. In addition, it requires the involvement of the PIM in the interception warrant application process.

As honourable members have already heard from the Leader of the Opposition, the honourable member for Surfers Paradise, and other LNP members, we on this side of the House support the bill. As a matter of fact, we have a long history of supporting telecommunications interception by complying with section 35 of the Commonwealth Telecommunications (Interception and Access) Act 1979. We understood the need for a national scheme to allow our law enforcers to intercept telecommunications in a lawful manner and to ensure a degree of uniformity in relation to supervisory and accountability requirements.

On four occasions the opposition has offered provisions that would have complied with the federal government act as it stood. In the past decade three private members' bills were introduced by the opposition and one bill was introduced while in government but lapsed due to a general election being held—the Telecommunications (Interception) Queensland Bill 1998. When in opposition in 2003 we introduced the Telecommunications (Interception) Queensland Bill, in 2004 the Terrorism and Organised Crime Surveillance Bill and in 2007 the Terrorism, Organised Crime and Anti-Corruption Bill. All of those were voted down by the Labor government.

Despite strong recommendations back in 1999 from the Queensland Crime and Misconduct Commission and the Queensland Police Service for improved measures to interrupt and identify grave, unlawful activities, Labor would not budge. It would not budge even though it was noted that Queensland's crime investigation capacities were restricted by the lack of interception powers. It really is disgraceful that the Labor government has taken so long to introduce this legislation when it had so many legitimate opportunities to do so over the past 10 years. To deny Queenslanders legislation that is so important for detection and disruption of organised crime is plainly immoral.

'Come to Queensland', Premier Beattie would coax. Come to Queensland because we are soft on crime! The bad guys must have been rubbing their hands together with glee. These are bad guys and girls that we are talking about. Murder, kidnapping, serious drug import and export offences, acts of terrorism, child pornography and money laundering are just a few of the offences for which interception warrants may be obtained. However, I wish to highlight the fact that in Queensland our hardworking police have had to do without these powers, while the rest of the country has had them for a number of years.

Once again the government has let down our dedicated and under-resourced police by not making it a priority to bring Queensland laws into line with the rest of the country. Since my election as a member of the Queensland parliament, of which I am duly proud, on numerous occasions it has come to my attention that one of Labor's trademarks—shall we say it is in its DNA—is to deliberately let Queensland trail behind the rest of Australia. Despite the Smart State catchcry of the past decade, there were many instances in which Queensland was quite simply playing catch-up. Here we have yet another example of that.

In September 2008, the Police Service Administration and Other Legislation Amendment Bill was debated and passed, allowing Queensland police to participate in national information-sharing initiatives and to facilitate the exchange of information between the QPS and other police services in the Commonwealth. The electorate of Currumbin joins the Tweed at the New South Wales border, and the removal of those existing legislative barriers, while most welcome, was a very overdue move. The frustration for our police in not being able to track intelligence in a seamless way and bring criminals before the courts because of this hindrance was often relayed to me by officers.

We have already heard government members ranting and raving about the involvement of the Public Interest Monitor being the reason they could not proceed with legislation in years gone by. The real reason is that they did not have the political will to advance the cause for law enforcement as did other states in Australia. We have actually heard government speakers accuse the opposition of political game playing, when in truth they have been playing the game to the detriment of the general public for years. If it was good enough for other states to adopt earlier legislation, why not Queensland?

In 2007 the Commonwealth Attorney-General's report observed, amongst a raft of other items, that telecommunications interception has proven extremely useful in investigating major drug cases, particularly where it is necessary to identify targets in organised crime. With this history in mind, I ask the question of this government: how many criminals could have been put behind bars during the period of this government's inaction to implement these laws? How many drug dealers could have been locked up and deaths from avoidable overdoses prevented? How many paedophiles and serious sex offenders could have been intercepted and removed from our suburbs? How many innocent children need not have been molested and their young lives scarred forever? Overall, how many lives could have been saved if this government had actually upheld its responsibilities and obligations to protect the people of Queensland? I would suggest that, if available, the number would shock the House and, even more, the victims, their families and friends.

Last weekend the *Gold Coast Bulletin* published an article that other members have mentioned, titled 'Phone bug saves life in murder plot'. The article outlines how the life of a Gold Coast woman was saved by Victoria Police who had bugged a public phone as part of a completely unrelated investigation. According to the report, the woman's husband used this very phone in Melbourne to ring his lover and outline his plan to drown his wife on the Gold Coast, making it look like an accident. Drownings do occur on the Gold Coast and they are a very tragic thing, but for somebody to plan to deliberately drown another person is disgraceful indeed. This man's lover's comments indicate quite clearly that she knew full well of his intentions to create a drowning accident for his wife. He was subsequently arrested on the Gold Coast and extradited to Melbourne to face charges of conspiring to murder and has since been found guilty by the Supreme Court of Victoria. This is a good example of why Queensland needs these laws.

The effect of organised crime in Queensland, and particularly organised motorcycle gangs, could have been seriously curtailed on the Gold Coast if these laws had been available years ago. It is widely thought that members of organised gangs, such as the Lone Wolf bikie gang, located unfortunately in my electorate in Currumbin, have chosen to move to the Gold Coast and Queensland because we lacked telephone-tapping powers that are in place in other states.

Bikies have featured prominently in the news in recent times as the number of gang members have faced our courts over a range of heinous crimes. Their shocking acts of violence have instilled fear into law-abiding citizens and caused the Premier to announce that her government will bring in tough new laws to combat their lawless activities. We are still waiting to hear just what form the new laws will take. However, the legislation before us today is a move in the right direction.

Perhaps these telephone interception powers could have saved Mr Holmes, from my Currumbin electorate, from barbaric torture. Honourable members may remember this story. A father of three, David Holmes was associated with the Lone Wolf bikie club. He was abducted from his Elanora home at 5 am on 3 November 2007 and taken to the Currumbin rock pools, situated in the very tranquil Currumbin Valley. After he had been tortured for seven hours by several assailants, Mr Holmes suffered the trauma of having both earlobes cut off with a Stanley knife. Members of this bikie gang cut off his entire left ear and left him bleeding profusely in a gully miles from home.

Although Mr Holmes refused to lay charges, his assailants have been charged with kidnapping, torture, grievous bodily harm, acts intended to maim and possession of a dangerous drug. Whilst the message here is pretty clear—do not mix or mess with bikies—the question is raised as to whether such

vicious acts could have been stopped if the QPS had access to the powers that we speak on in the House today. Would this man and his family have had to go through all this pain and suffering?

Madam DEPUTY SPEAKER (Ms van Litsenburg): Order! Could the member enlighten the House whether this matter is still before the court?

Mrs STUCKEY: No, it is not before the court. They have been charged.

Madam DEPUTY SPEAKER: Have they been convicted?

Mrs STUCKEY: They have. They have been convicted. They have been charged with all of these offences, Madam Deputy Speaker.

Mr Dick: If they are not convicted, you shouldn't be talking about it. It is sub judice. If it is before the courts, you shouldn't talk about it.

Mrs STUCKEY: Madam Deputy Speaker, I am quoting exactly from newspaper articles that have been in the paper this week.

Madam DEPUTY SPEAKER: If the matter is before the court, it is sub judice and should not be spoken about in the House.

Mrs STUCKEY: When our police have been—

Madam DEPUTY SPEAKER: Order!

Mrs STUCKEY: I am not speaking about it.

Madam DEPUTY SPEAKER: Order! Perhaps we need to just retract those comments.

Mrs STUCKEY: I am more than happy to retract what has not been said publicly in a newspaper, Madam Deputy Speaker.

Madam DEPUTY SPEAKER: Anything that is sub judice should not be spoken about.

Mrs STUCKEY: I am more than happy to withdraw anything that has not been publicly said.

Mr Messenger: Do we have freedom of speech in this parliament anymore?

Mrs STUCKEY: I thought we had freedom of speech. It is to be hoped that police will be able to infiltrate the activities of these sorts of individuals earlier if they have access to this legislation.

Madam DEPUTY SPEAKER: Order! Member for Burnett, your comments are a reflection on the chair. Would you please rescind them?

Mr Messenger: I withdraw them, Madam Deputy Speaker.

Madam DEPUTY SPEAKER: Member for Currumbin.

Mrs STUCKEY: May I continue? Thank you, Madam Deputy Speaker. Without doubt, this legislation does raise significant issues of privacy which the opposition has considerable respect for. I note that these are acknowledged in the Scrutiny of Legislation Committee's *Alert Digest* of February 2009, where it makes some considerations and references to the minister as well. I would like to close my short contribution with the words of the honourable member for Gregory, and that is that this legislation will take the handcuffs off the police and place them firmly on the criminals, and we are very pleased to support it.